

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action mailed on September 12, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1 and 4-18 are pending.

In the Office Action, claims 1 and 4-18 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner contends that the specification does not describe "dividing data content ... into blocks", as recited in the claims, but only supports that "data content are evenly divided". Applicants respectfully disagree with this rejection.

At the time of filing of the current application, it was extremely well known and understood by those of ordinary skill in the art that digital data content is manipulated, stored, accessed, processed, etc., in data blocks. Although the term "block" is not explicitly stated in the specification, it is categorically clear that in the context of methods for recording data content on

recordable multilayer record carriers as described in the specification, the data content is digital data that is stored/accessed in data block units. In this regard, "data content are evenly divided" is sufficient "written description" for dividing data content into data blocks. However, to advance prosecution and expedite allowance of the present application, the claims have been amended for better clarity by removing the "data block" recitations. Accordingly, withdrawal of the rejection under 112, first paragraph, is respectfully requested.

In the Office Action, claims 1, 4 and 6-9 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,370,091 to Kuroda ("Kuroda"). Moreover, claims 5, 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuroda. Further, claims 12-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuroda in view of EP 1204106A2 to Tateishi ("Tateishi"). It is respectfully submitted that claims 1 and 4-18 are patentable Kuroda alone and in view of Tateishi for at least the following reasons.

Kuroda discloses methods for recording data to a dual layer DVD-ROM and, in particular, DVD-ROM recording formats that prevent

illegal copying of recorded information from a DVD-ROM to a DVD-RAM or DVD-R recordable medium. (See, e.g., Col. 1, lines 25-29 and Col. 2, lines 17-24.) It is respectfully submitted that a DVD-ROM is not a recordable multi-layer record carrier as recited in the pending claims.

Tateishi discloses a writable optical recording medium, e.g., DVD-RAM, having multiple recording layers of a double spiral structure for recording information on land and groove tracks (see, paragraphs [0002]-[0003]). Although Tateishi generally discloses a method for recording information to a recordable multilayer record carrier, Tateishi does not disclose or suggest a method for recording data in compliance with a ROM (read only memory) record carrier standard.

In view of the above, it is respectfully submitted that Kuroda does not disclose or suggest a method of recording information on a recordable multi-layer record carrier, which includes, amongst other patentable elements, (illustrative emphasis provided) "recording the data content on the recordable multi-layer record carrier such that the data content is substantially evenly distributed between each of the plurality of information layers and

recorded in compliance with a ROM (read only memory) record carrier standard," as recited in claim 1 and as similarly claimed in claim 4.

Moreover, in view of the above, it is respectfully submitted that the combination of Kuroda and Tateishi does not disclose or suggest a method of recording information on a recordable multi-layer optical disc, which includes, amongst other patentable elements, (illustrative emphasis provided) "recording the data content in data areas of the plurality of information layers such that the data content is substantially evenly distributed between each of the plurality of information layers and recorded in compliance with a ROM (read only memory) record carrier standard," as recited in claim 12.

Accordingly, in view of the above, it is respectfully requested that independent claims 1, 4 and 12 be allowed. In addition, it is respectfully submitted that dependent claims 5-11 and 13-18 should also be allowed at least based on their dependence from claims 1 and 12, as well as individually patentable elements recited in such dependent claims. Accordingly, separate consideration of each of the dependent claims is respectfully

requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
December 12, 2008

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101